



Rob M. Hoffman

Partner

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Rob Hoffman is a renowned trial lawyer who for three decades has handled a wide array of significant business disputes nationwide. He represents clients in hard-fought disputes arising from mergers and acquisitions, representations and warranties, corporate governance issues, class actions, fraud and insurance coverage and bad faith claims. Rob has recently been appointed national Covid-19 counsel by one of the world's largest insurance companies.

RELATED SERVICES

- Mergers and Acquisitions
- Litigation, Arbitration and Investigations
- Professional Liability
- Class Actions
- Real Estate Litigation
- Commercial Contracts Disputes

CREDENTIALS

Recognitions

- Included in the 27th Edition of *The Best Lawyers in America*
- *The Best Lawyers in America*, Commercial Litigation, 2013 – 2020
- *The Best Lawyers in America*, Insurance Law, 2017 – 2020
- Top 15 Corporate Defenders in Dallas/Fort Worth, *Dallas Business Journal*, 2010
- "Best Lawyers" in Dallas in Business Litigation, *D Magazine*, 2011, 2012, 2015 – 2019
- Top Attorney in Business Litigation in the US, *Super Lawyers Magazine*, Business Edition, 2008 – 2011
- Texas Super Lawyer in Business Litigation, *Super Lawyers* by Thomson Reuters, published in *Texas Monthly*, 2003 – present
- National Registry of *Who's Who*
- AV® Preeminent™ 5.0 out of 5 Peer Review Rated, *MartindaleHubbell®* PEER REVIEW RATINGSTM

Memberships

- BBVA Compass Bank Advisory Board, Member
- The General Counsel Forum, General Counsel and Board Member
- Darkness to Light, Board Member

- American Bar Foundation, Fellow
- State Bar of Texas, Fellow

Education

- J.D., Southern Methodist University
 - National Moot Court Team
- B.B.A., University of Texas
with honors

Admissions

- Texas

INSIGHTS

Events

- Moderator, "Association of Corporate Counsel's Annual Chief Legal Officer Forum," February 2016, 2017, 2018 and 2019.
- Speaker to private equity legal departments entitled "Finding Fraud Where You Least Expect It"

CLIENT TESTIMONIALS

Letter From Sam Astor, Principal at Atlas Holdings (private equity firm), relating to a \$59 million settlement arising from an \$82 million asset purchase agreement:

"For nearly two decades, Atlas Holdings has successfully acquired and transformed industrial businesses. Not once during that period had we ever been a plaintiff in a litigation. The values and history of Atlas and its portfolio companies are such that we have always viewed litigation as a final step, to be taken only when necessary to protect the interests of our businesses, associates and investors.

There was no doubt in our minds that we had been wronged — and significantly damaged — by our counterparty after acquiring Novipax from Sealed Air. With the guidance of several other litigators, we attempted to identify the right strategies to recover our losses. Those efforts proved fruitless, and our resolve to pursue a lawsuit faded away.

That all changed when we met you.

The decision to pursue this matter was not taken lightly; in fact, it was discussed extensively among the entire group of Atlas partners. You gave us the information and the push that we needed to move forward. Your conviction around the merits of the case was unwavering; you identified avenues for claims that other litigators blindly passed over. Most importantly, you were able to articulate a winning strategy to pursue consequential claims.

While we couldn't help but question major strategic decisions along the way — it is in our nature to pick apart every detail — your instincts proved right at every turn. I will never forget some sage pieces of wisdom that you provided me along the way. One conversation in particular is most memorable — because I was forced to remind myself of it more frequently than I would have liked: it went something like, '*Sam, you have never been through litigation before. Atlas has never been through litigation before. While you feel great now about our case, be prepared for the many ups and downs of this case. You will have moments where you are sure that you are going to lose. Stay the course and remember what the facts tell you.*'

This case was indeed a rollercoaster, but your guidance never left me doubting that we were still on the right track. Thanks in large part to your efforts, Novipax is returning to a strong position it enjoyed before the incidents that served as the basis of our lawsuit. You helped deliver justice and we are forever grateful.

While there are many great lawyers, you proved to be that most valuable and rare individual: our trusted advisor."

From Pat Dolan, a controlling stockholder of Cablevision Corp., in connection with a \$17.7 million acquisition of Cablevision:

"Altice is a powerful multi-national corporation that's run by executives who are used to driving a ten-wheeler over any "little people" that get in their way.

When I floated the idea of suing Altice for breaking its promises to my family and to my colleagues at News 12, no one was encouraging. Most of the knowledgeable people I spoke to told me I didn't have a prayer because of the way the agreement was written. Except you, Jay Tannon, and DLA Piper.

Though others might have taken a pass, you jumped right in and proceeded to apply your creative legal instincts. You never lost faith that the court system, if we worked it right, would respond to a clear injustice.

You were correct. When the motion to dismiss came before the Vice Chancellor in Delaware, Altice's gold-plated Manhattan legal team barely knew how to react. You wrestled them to the ground. You won the day.

In fact, you not only won the day, you created a legal precedent that will help others to defend themselves against companies who cynically break similar agreements in the future.

Hundreds of News 12 employees who had no defense against a brutal management now have job security. The journalistic integrity of a proud, award-winning newsroom has been protected. A corporate bully now has a bloody nose.

I am so grateful. Please know what a difference you made to many honest, dedicated news professionals and to the cause of quality local journalism."

From an In-House Litigation Counsel for a large publicly traded company:

"I had the pleasure of working with Rob on a complex commercial matter involving multi-jurisdictional issues and international parties. As in-house litigation counsel for a large publicly traded company, I work with many lawyers but rarely encounter attorneys who excel both at high level strategy and court room mastery. Rob is a clear exception. From the outset of the case, Rob had the end game in mind and despite very capable counsel opposing us, I always felt Rob was several steps ahead of the other side, provided visibility around corners and that his case strategy remained consistent and sound. Rob ensured our defense was focused, perpetually whittled away at the merits of our opponents' claims and psyche and guided the case to a very favorable resolution. Rob is responsive, has a great sense of humor, and perhaps most importantly, genuinely cares about his clients as people."

Successful trial of a \$200 million lawsuit:

During the summer and early fall of 2013, Rob defended one of the largest insurance carriers in the US in what has been described as the largest coverage/bad faith case to go to verdict in Texas in two decades. The top-end exposure was US\$200 million. After a seven-week trial, and 4.5 days of deliberation, the jury found that Rob's client did not breach its insurance policy. The shadow jury (selected by a third party) said the following about Rob's trial skills:

- "He is thorough" and "doesn't leave any stone unturned."
- "Mr. Hoffman presented the insurance company's case well, and [according to the juror] 'changed my mind.'"
- "He's like a firecracker, very energetic and straight to the point."

From a Senior Counsel at a national insurance carrier:

"I hired Rob to handle a very big, high exposure case which was one of the largest exposures facing our company. Before Rob entered the case, we had no litigation game plan we were likely going to settle the case at a huge cost because we did not have the confidence to try the case. Once Rob entered the picture, our prospects changed for two reasons. First, Rob thoroughly reviewed everything (leaving no stone unturned) and uncovered a very significant piece of evidence. This was a game changing moment that dramatically changed our strategy going forward and would likely not have occurred had Rob not entered the case. Second, Rob was tenacious in everything he did in representing our company. He was on a mission to win and his life centered around his commitment to his goal. Rob is strategic, and like other top lawyers, he constantly thinks five or six moves ahead.

Rob anticipates the moves of his opposition and is always prepared. Most importantly, Rob is the ultimate partner he understands the needs of his clients and effectively collaborates at every step of the litigation process. I have worked with

thousands of attorneys, and Rob is at the very top of my list because of his ability, dedication, values, communication skills, trial skills, and his overall ability to see the big picture."

From a General Counsel of a company with offices throughout North America:

"Due to the type of business we're in, my company and its former subsidiaries are no strangers to litigation across the United States. I've worked with or been on the other side of fine lawyers, but Rob Hoffman is one of the best I've ever seen. When my company has needed a great trial lawyer over the last 20 years, we always turn to Rob—and the results have been spectacular. He's the one attorney in the country we trust to get our company out of looming trouble.

Most recently, Rob disposed of two potential high exposure class actions against my company and one of its former subsidiaries. He out-strategized and out-dueled opponents so that we exited the class actions without a scratch.

Rob is unlike any trial lawyer I've ever met. First, he's smart, which is not that unique. Second, he has this innate ability to work with people and get them to appreciate his client's point of view. That is unique. And he does it all with a sense of humor and dogged determination to achieve the best ethical outcome for his client. Rob has an understanding of the law, and a way with adversaries, that seem to always result in a successful outcome, and often, an extraordinary outcome."

From opposing New York plaintiffs' counsel in a hard fought class action:

"I'm a New York attorney who brought a class action against one of Rob's corporate clients, and other corporate defendants. I've been practicing law for many years, and have witnessed the varying styles of hundreds of defense counsel. In my opinion, Rob Hoffman is one of the very best in the United States.

Rob arrived on the scene about a year after the class action began, but he seemed to quickly assume the lead among the defense counsel. He was thoughtful, strategic, charming, tenacious, and crafty, but at the same time trustworthy, professional, and ethical. Before Rob joined the case, we had defeated another defendant's Motion to Dismiss. So Rob knew that a Motion to Dismiss would get his client nowhere. And discovery had not evolved to the point where Rob could file a motion for summary judgment or contest class certification. So he did something quite unusual—he prepared and circulated (but did not file) a draft Motion for Sanctions that laid out for the first time all of the legal problems facing our case. The motion was written in a thoughtful and persuasive style, as opposed to a mean spirited diatribe that is more common to such motions. The extent to which it might have ultimately carried the day with the judge was not the point. It highlighted the legal holes in our case in a way that most lawyers could not have, and in my mind, was the catalyst to the parties looking at settlement seriously. Rob is quite different from other opponents that I've faced. He engaged the lawyers on our side and for the co-defendants, gained the trust of all, and was persuasive in defense of his client's position. Lots of lawyers are smart, and Rob certainly is, but Rob has this unique way of finding commonality among adversaries and turning that into a successful resolution. Rob ultimately engineered a settlement that was agreeable to all, in which Rob's client somehow paid nothing. After watching Rob in action over several years, and in many hearings and briefings to the Court, in my opinion Rob is one of the brightest and sharpest defense lawyers I've ever encountered. He is one of the best lawyers I've come across."

From opposing counsel in a large commercial litigation matter:

"After litigating a high-dollar lawsuit against Rob that spanned several years, I believe him to be one of the best strategic thinkers I have run across in 20 years of practice. In addition to a strong legal mind, he uses his prodigious interpersonal skills to forge positive working relationships with opposing counsel. This allows him to litigate and resolve cases in less time and at less expense than more combative or less skilled attorneys. Rob's position and service as General Counsel of The General Counsel Forum illustrate his breadth of knowledge of business and the real-world challenges and concerns that face those businesses. When you take Rob's business knowledge and couple it with his sharp legal mind and considerable persuasive skills, you have an extremely formidable opponent, and in my opinion, a go-to attorney in the arena of commercial litigation."